

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
NO. 3:00CR08-7

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIZABETH MARIE RUSHING,

Defendant.

ORDER


Defendant ELIZABETH MARIE RUSHING has filed with the Court a Motion for Modification of an Imposed Term of Imprisonment and a Notice of Judicial Review.

Both her filings allege that her original sentence, imposed by written Judgment on December 27, 2000, should be reduced because the United States Sentencing Commission amended the United States Sentencing Guidelines applicable to convictions for money laundering on November 1, 2001, after she was sentenced. While Defendant is correct that the Sentencing Commission did issue Amendment 634 on November 1, 2001, which arguably could have affected her original sentence if the Amendment had been in effect on the date of her sentencing, Defendant is incorrect in assuming that Amendment 634 applies to and reduces her original sentence of December 27, 2000. **The Sentencing Commission chose not to make Amendment 634 retroactive, and therefore Amendment 634 does not affect her original sentence.** See U.S.S.G. § 1B1.10(d) (listing Amendments which are retroactive, not including Amendment 634).

THEREFORE, Defendant's Motion and Notice request for a reduced sentence is DENIED.

ORDERED.

Signed: December 20, 2016

  
Frank D. Whitney  
Chief United States District Judge

